

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DARRI D. WOODHOUSE,

Plaintiff,

-against-

CITY OF MOUNT VERNON, OFFICER
CHRISTOPHER BOSELY #2102, OFFICER
JOHN DOE, *and* OFFICER JOHN DOE,

Defendants.

No. 25-CV-1229 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Darri D. Woodhouse (“Plaintiff”), who is currently held in the Westchester County Jail, brings this Action pro se, asserting claims that Officer Christopher Bosely (“Bosely”), the City of Mount Vernon, and two unidentified “John Doe” Mount Vernon Police Officers (collectively, “Defendants”) violated his federal constitutional rights and seeking damages. The Court construes Plaintiff’s Amended Complaint (Dkt. No. 7), which is the operative pleading for this action, as asserting claims of federal constitutional violations under 42 U.S.C. § 1983, as well as claims under state law.

By order dated March 12, 2025, the court granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees.¹ The Court directs service of summonses and the Amended Complaint on the City of Mount Vernon and Bosely. The Court also directs the Corporation Counsel of the City of Mount Vernon to provide Plaintiff and the Court with the

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

identities, service addresses, and, if appropriate, badge numbers of the unidentified “John Doe” officers.

I. DISCUSSION

A. Service on the City of Mount Vernon and Police Officer Bosely

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the assistance of the Court and the United States Marshals Service (“USMS”) to effect service.²

Walker v. Schult, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service of summonses and the Amended Complaint on the City of Mount Vernon and Bosely through the USMS, the Clerk of Court is respectfully instructed to fill out a USMS Process Receipt and Return form (“USM-285 form”) for each of those Defendants. The Clerk of Court is further respectfully instructed to issue summonses for those Defendants and deliver to the USMS all of the paperwork necessary for the USMS to effect service of a summons and the Amended Complaint on each of those Defendants.

If summonses and the Amended Complaint are not served on those Defendants within 90 days after the date that summonses for those Defendants are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

²Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service of summonses and the Amended Complaint on the City of Mount Vernon and Bosely until the Court reviewed the Amended Complaint and ordered that summonses for those Defendants issue. The Court therefore extends the time to serve those Defendants with summonses and the Amended Complaint until 90 days after the date that summonses for those Defendants issue.

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss this Action if he fails to do so.

B. The Unidentified “John Doe” Defendants

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the Court in identifying an unidentified defendant and that defendant’s service address. 121 F.3d 72, 76 (2d Cir. 1997). In the Amended Complaint, Plaintiff supplies sufficient information to permit the Mount Vernon Police Department (“MVPD”) to identify the unidentified “John Doe” Defendants; they are those members of the MVPD who arrested Plaintiff on or about October 2 or 3, 2023. It is therefore ordered that the Corporation Counsel of the City of Mount Vernon, who is the attorney for and agent of the MVPD, must ascertain the identity, service address, and, if appropriate, badge number of each of the unidentified “John Doe” Defendants. The Corporation Counsel must provide this information to Plaintiff and the Court within 60 days of the date of this Order.

Within 30 days of receiving this information, Plaintiff must file a Second Amended Complaint naming the newly identified individuals as Defendants and providing their service addresses and, if appropriate, badge numbers. The Second Amended Complaint will replace, not supplement, the original Complaint and the Amended Complaint. A Second Amended Complaint form that Plaintiff should complete is attached to this Order. Once Plaintiff has filed a Second Amended Complaint, the Court will screen it and, if necessary, issue an order directing service on the newly identified Defendants.

II. CONCLUSION

The Court respectfully directs the Clerk of Court to mail an information package to Plaintiff.

The Court also respectfully directs the Clerk of Court to: (1) issues summonses for the City of Mount Vernon and Bosely (Badge No. 2102); (2) complete USM-285 forms with the addresses for those Defendants; and (3) deliver all of the documents necessary to effect service of summonses and the Amended Complaint on those Defendants to the USMS.

The Court further directs the Clerk of Court to mail a copy of this Order and a copy of the Amended Complaint to the Corporation Counsel of the City of Mount Vernon, at 1 Roosevelt Square North, Mount Vernon, New York 10550.

A Second Amended Complaint form is attached to this Order.

SO ORDERED.

Dated: April 21, 2025
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge

SERVICE ADDRESS FOR EACH DEFENDANT

1. City of Mount Vernon
Law Department
1 Roosevelt Square North
Mount Vernon, New York 10550
2. Police Officer Bosely, Badge No. 2102
Mount Vernon Police Department
2 Roosevelt Square
Mount Vernon, New York 10550

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Write the full name of each plaintiff.

-against-

____ CV _____
(Include case number if one has been assigned)

**SECOND AMENDED
COMPLAINT**
(Prisoner)

Do you want a jury trial?
☐ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a “*Bivens*” action (against federal defendants).

☐ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

First Name	Middle Initial	Last Name
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State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency’s custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention

Institutional Address

County, City	State	Zip Code
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III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: _____

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated

Plaintiff's Signature

First Name

Middle Initial

Last Name

Prison Address

County, City

State

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____